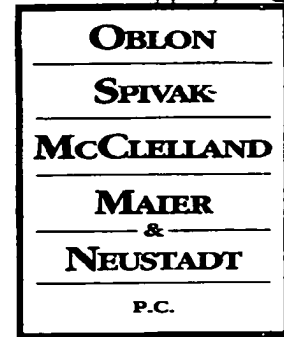


August 7, 2002

UNITED STATES PATENT AND TRADEMARK OFFICE
Box 16
Washington, DC 20231

Attn: Frank Lebron
Refund Department



ATTORNEYS AT LAW
KATHLEEN A. MORSBERGER
CONTROLLER
(703) 412-6494
KMORSBERGER@OBLON.COM

Re: Deposit Account #150030

Dear Mr. Lebron:

Enclosed is a copy of page 4 of our Deposit Account Statement of June 28, 2002. Please review the highlighted credit on **Serial Number 09/497,997 in the amount of \$920.00** on fee code 117.

In response to the Office Action dated August 31, 2001, a Notice of Appeal was filed along with a two-month extension of time and check for \$720.00 (\$320.00 for the Notice of Appeal plus \$400.00 for the extension) on January 31, 2002. On March 11, 2002, an amendment was filed along with a check which included payment of \$520.00 for the third one-month extension of time. The application was abandoned for failure to timely respond to the Office Action.

A petition to revive was granted (decision attached). The decision stated that the \$520.00 fee for the third one-month extension should be refunded as well as the \$320.00 paid for filing the Notice of Appeal. Therefore, our Deposit Account should be credited for the \$520.00 and the \$320.00 fees paid. The additional \$920.00 charged to the account in June should also be refunded.

Please review this file and kindly refund \$1,760.00 to our Deposit Account #150030.

If you have questions, do not hesitate to contact me. My phone number is 703-412-6296. Thank you for your assistance.

Sincerely,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Debra J. Noel

Debra J. Noel
Accounting Department

Enclosures

1755 JEFFERSON DAVIS HIGHWAY ■ FOURTH FLOOR ■ ARLINGTON, VIRGINIA 22202 ■ U.S.A.
TELEPHONE: 703-413-3000 ■ FACSIMILE: 703-413-2220 ■ WWW.OBLON.COM



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and
return top portion with your check. Make check
payable to Commissioner of Patents & Trademarks.

Account No.	150030
Date	6-28-02
Page	4

NORMAN F. OBLON

FINA

CRYSTAL SQUARE FIVE, SUITE 400
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ARLINGTON VA 22202

PLEASE SEND REMITTANCES TO:
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6	12	02	2	09463414		126	180.00	44827.71
6	12	02	5	09883959	210067US2	102	252.00	44575.71
6	12	02	5	09769308	202458US3	126	180.00	44395.71
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6	12	02	18	09604281	9350-0193-0	103	648.00	44027.71
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6	12	02	37	5380935		184	2020.00	35197.71
6	12	02	111	10164648	222983US-2 C	102	204.00	34993.71
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6	13	02	2	09817151	205260US0	126	180.00	31601.71
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6	13	02	150	854394		566	180.00	22186.71
6	14	02	2	10145731	223082US0 CO	148	110.00	22076.71
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6	14	02	31	5780063		183	880.00	21016.71
6	14	02	32	5780063		186	130.00	20886.71

AN AMOUNT SUFFICIENT TO
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TOTAL CREDITS

CLOSING BALANCE

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By: NFO/DJP/km

Serial No. 09/497.997

For: VECTORS DERIVED FROM ANTIBODIES FOR TRANSFERRING
SUBSTANCES INTO CELLS

☐ pp. Specification Claims/Drawings Sheets
and pages Application Data Sheet

☐ Combined Declaration, Petition & Power of Attorney pages

☐ List of Inventor Names and Addresses

☐ Utility Patent Application Transmittal ☐ CPA

☐ Notice of Priority ☐ Priority Doc

☒ Check for \$720.00 ☒ Dep. Acct. Order Form

☐ Fee Transmittal Form

☐ Assignment/PTO 1595 pages:

☐ Letter to Official Draftsman

☐ Letter Requesting Approval of Drawing Changes

☒ Formal Drawings 11 sheets ☒ Formal for FIGS. 1, 2, 3, 4A, 4B, 5, 6, 7, 8A, 8B, 9A, 9B, 10, 11A-11C & 12.

☒ PTO Cover Letter

☐ Amendment and Request for Reconsideration w/Marked-up copy

☐ Information Disclosure Statement ☐ PTO-1449

☐ Cited References

☐ International Search Report

☐ Statement of Relevancy

☐ IDS/Related/List of Related Cases

☐ Restriction Response

☐ Rule 132 Declaration

☒ Request for Extension of Time (Two-Months)

☒ Notice of Appeal

☐ Brief


☐ Issue Fee Transmittal

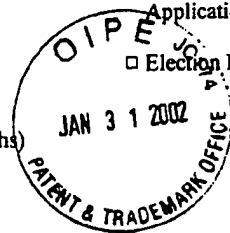
☒ Black and White copies of FIG 13A-13D

☒ Photographs TWO (2) SHEETS FOR FIGS. 13A-13D

☐

Due Date: January 31, 2002





Docket No. 0660-0166-0X CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Theresa TERNYNCK et al

GAU: 1648

SERIAL NO: 09/497,997

EXAMINER: BROWN

FILED: February 4, 2000

FOR: VECTORS DERIVED FROM ANTIBODIES FOR TRANSFERRING SUBSTANCES INTO CELLS

**REQUEST FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

It is hereby requested that a **TWO-MONTH** extension of time be granted to **JANUARY 31, 2002** for

- ☐ filing a response to the Official Action dated:
- ☐ responding to the requirements in the Notice of Allowability dated:
- ☐ filing the Formal Drawings. The Issue Fee due has been timely filed.
- ☐ responding to the Notice to File Missing Parts of Application dated:
- ☒ filing a Notice of Appeal. A timely response to the final rejection, due November 30, 2001 has not been filed.
- ☐ filing an Appeal Brief. A Notice of Appeal was filed on:
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown below is reduced by one-half.

The required fee of \$400.00 is enclosed herewith by check and any further charges may be made against the Attorney of Record's Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 11/98)

Norman F. Oblon
Registration No. 24,618

Daniel J. Pereira, Ph.D.
Registration No. 45,518

Docket No. 0660-0166-0X CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Theresa TERNYNCK et al

GAU: 1648

SERIAL NO: 09/497,997

EXAMINER: BROWN

FILED: February 4, 2000

FOR: VECTORS DERIVED FROM ANTIBODIES FOR TRANSFERRING SUBSTANCES INTO CELLS

NOTICE OF APPEAL

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Applicants hereby appeal to the Board of Appeals from the decision dated August 31, 2001

The items checked below are appropriate:

- ☐ A Petition for Extension of Time Under 37 C.F.R. §1.136 was filed for _____ months.
- ☒ A timely response to the final rejection has not been filed, as provided in 841 O.G. 1411.
- ☒ A Petition for Extension of Time for filing the Notice of Appeal is attached.

Fee: \$320.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Is Enclosed
- ☐ Charge to Deposit Account No. 15-0030 (an additional copy of this notice is enclosed herewith).
- ☒ Please charge any additional fees or credit any overpayment of fees required for filing the Notice of Appeal to Deposit Account No. 15-0030. A duplicate copy of this Notice is enclosed.
- ☒ If this notice is not considered timely filed by the U.S. Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this Notice is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



22850

Tel. (703) 413-3000
Fax (703) 413-2220
(OSMMN 10/00)

Norman F. Oblon
Registration No. 24,618

Daniel J. Pereira, Ph.D.
Registration No. 45,518

OBLON, SPIVAK, McCLELLAND,
MAIER, & NEUSTADT, P.C.
CRYSTAL SQUARE FIVE-SUITE 400
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ARLINGTON, VA 22202

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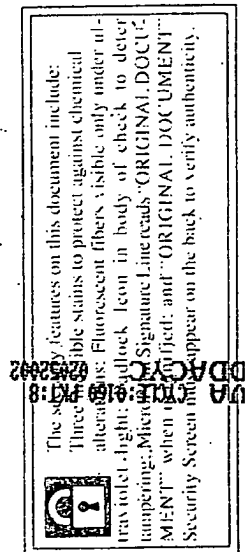
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OSMM&N File No. 0660-0166-0X CONT

Dept.: Chemical

By: NFO/DJP/km

Serial No. 09/497,997

In the matter of the Application of: Theresa TERNYNCK et al

For: VECTORS DERIVED FROM ANTIBODIES FOR TRANSFERRING
SUBSTANCES INTO CELLS

The following has been received in the U.S. Patent Office on the date stamped hereon:

- | | | |
|---|---|--------|
| <input type="checkbox"/> pp. Specification | Claims/Drawings | Sheets |
| and | pages Application Data Sheet | |
| <input type="checkbox"/> Combined Declaration, Petition & Power of Attorney | | pages |
| <input type="checkbox"/> List of Inventor Names and Addresses | | |
| <input type="checkbox"/> Utility Patent Application Transmittal | <input type="checkbox"/> CPA | |
| <input type="checkbox"/> Notice of Priority | <input type="checkbox"/> Priority Doc | |
| <input checked="" type="checkbox"/> Check for \$1,800.00 | <input checked="" type="checkbox"/> Dep. Acct. Order Form | |
| <input checked="" type="checkbox"/> Petition under 37 CFR 1.137(B) | | |
| <input checked="" type="checkbox"/> Sequence Listing (Paper) | | |
| <input checked="" type="checkbox"/> Computer-Readable Sequence Listing (Diskette) | | |
| <input type="checkbox"/> Letter Requesting Approval of Drawing Changes | | |
| <input type="checkbox"/> Formal Drawings | sheets <input type="checkbox"/> Formal | |
| <input checked="" type="checkbox"/> PTO Cover Letter | | |
| <input checked="" type="checkbox"/> Amendment and Request for Reconsideration w/Marked-up copy; Abstract attached | | |
| <input checked="" type="checkbox"/> (5) References attached to the response | <input type="checkbox"/> PTO-1449 | |
| <input type="checkbox"/> Cited References | | |
| <input type="checkbox"/> International Search Report | | |
| <input type="checkbox"/> Statement of Relevancy | <input type="checkbox"/> Cited Pending Applications | |
| <input type="checkbox"/> IDS/Related/List of Related Cases | | |
| <input type="checkbox"/> Restriction Response | <input type="checkbox"/> Election Response | |
| <input type="checkbox"/> Rule 132 Declaration | | |
| <input checked="" type="checkbox"/> Request for Extension of Time (Third One-Month) | | |
| <input type="checkbox"/> Notice of Appeal | | |
| <input type="checkbox"/> Brief | | |
| <input type="checkbox"/> Issue Fee Transmittal | | |
| <input type="checkbox"/> White Advance Serial Number Card | | |
| <input type="checkbox"/> Small Entity Status is Claimed | | |
| <input type="checkbox"/> | | |

Due Date: N/A

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Docket No. 0660-0166-0X CONT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Theresa TERNYNCK et al

GAU: 1648

SERIAL NO: 09/497,997

EXAMINER: BROWN

FILED: February 4, 2000

FOR: VECTORS DERIVED FROM ANTIBODIES FOR TRANSFERRING SUBSTANCES INTO CELLS

**REQUEST FOR EXTENSION OF TIME
UNDER 37 C.F.R. 1.136**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

It is hereby requested that a **THIRD-ONE MONTH** extension of time be granted to **February 28, 2002** for

- ☒ filing a response to the Official Action dated: August 31, 2001
- ☐ responding to the requirements in the Notice of Allowability dated:
- ☐ filing the Formal Drawings. The Issue Fee due has been timely filed.
- ☐ responding to the Notice to File Missing Parts of Application dated:
- ☐ filing a Notice of Appeal. A timely response to the final rejection, due has been filed.
- ☐ filing an Appeal Brief. A Notice of Appeal was filed on:
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown below is reduced by one-half.

The required fee of \$520.00 is enclosed herewith by check and any further charges may be made against the Attorney of Record's Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 11/98)

Norman F. Oblon
Registration No. 24,618

Daniel J. Pereira, Ph.D.
Registration No. 45,518

OBLON, SPIVAK, McCLELLAND,
MAIER, & NEUSTADT, P.C.
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1755 JEFFERSON DAVIS HWY
ARLINGTON, VA 22202

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DATE
3/11/02

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0660-0186-0X CONT

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0660-0186-0X CONT

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OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT P C
1755 JEFFERSON DAVIS HIGHWAY
FOURTH FLOOR
ARLINGTON VA 22202

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OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

JUN 04 2002

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OFFICE OF PETITIONS

In re Application of
Ternynck, et al.

Initials/Date Docketed: *6/6/02*

Application No. 09/497,999

Type of Resp(s):

ON

PETITION

Filed: February 4, 2000

Due Date(s):

Docket No. 0660-0166-OX-CONT

This is a decision on the petition under 37 CFR 1.137(b), filed March 11, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the non-final Office action, mailed August 31, 2001, which set a shortened statutory period for reply of three (3) months. An earlier Office action had been mailed on July 31, 2001. However, the Office remailed this action on August 31, 2001 and reset the period for response. On January 31, 2002, petitioner obtained a two month extension of time and filed a Notice of Appeal. However, because the claims had not yet been twice rejected, the Notice of Appeal was not a proper reply. No further extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 1, 2002. The mailing of the instant decision precedes the mailing of a Notice of Abandonment.

Petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made a statement of unintentional delay. 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$520 extension of time fee submitted with the petition on March 11, 2002 was subsequent to the maximum period obtainable for reply (February 28, 2002), this fee has been refunded to Deposit Account No. 15-0030.

In addition, since the filing of a Notice of Appeal on January 31, 2002 was improper, the \$320 for its filing has been refunded to Deposit Account No. 15-0030.

The application file is being forwarded to Technology Center 1600 for consideration of petitioner's amendment, filed March 11, 2002.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy